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SUBJECT: PLANNED MUSEUM OF TOLERANCE STIRS CONTROVERSY

This cable was cleared by Embassy Tel Aviv.

¶1. (SBU) Summary. The Israeli Supreme Court issued an injunction February 22 halting construction of the Museum of Tolerance in Jerusalem, funded by the U.S.-based Simon Wiesenthal Center, and appointed former Chief Justice Meir Shamgar to lead a 30-day mediation period. The first arbitration session is scheduled for March 7 and, according to Israeli press reports, the Wiesenthal Center is considering a plan to relocate the graves to a nearby Muslim cemetery. Lawyers representing Muslim and Human Rights organizations had petitioned the Israeli Supreme Court February 15 protesting the planned location over a historic Muslim cemetery. Construction efforts have already unearthed more than 250 graves, some reportedly dating back to the seventh century. While all construction activities have been halted, the injunction allows the Israeli Antiquities Authority to continue "emergency preservation excavations." The Court will review the case after 30 days. End Summary.

Israel Supreme Court
Orders Injunction

¶2. (SBU) After hearing the case on February 15, the Israeli Supreme Court issued an injunction February 22 halting construction on the Museum of Tolerance in Jerusalem, a controversial project funded by the U.S.-based Simon Wiesenthal Center (SWC). The injunction prohibits the continuation of "any activities that would change the existing situation," but does not prohibit the Israeli Antiquities Authority from continuing "essential activities in its emergency preservation excavations." The Court appointed former Chief Justice Meir Shamgar to lead mediation efforts and will review the case after a 30-day mediation period. According to Israeli press reports, the first mediation session is scheduled for March 7.

¶3. (SBU) The project, when complete, will consist of a three-acre complex containing two museums, a library and education center, an international conference center, and a 500-seat performing arts theater. According to planners, the museum will "highlight the theme of human dignity" and express the "vital need for greater tolerance in Israel and the world." The Simon Wiesenthal Center, an international Jewish human rights organization dedicated to preserving the memory of the Holocaust by fostering tolerance and understanding, has raised between USD 200-250 million for this project, including a congressional earmark for up to USD five million.

Background on Controversy

¶4. (SBU) The Israeli Supreme Court was petitioned by the al-Aqsa Foundation and the Karameh Human Rights Organization, Jerusalem-based NGOs which, according to media reports, claim the project displays a disrespect at odds with the planned museum's mission to promote coexistence of ethnic groups and religions. The head of the Muslim Waqf, a religious trust, told Reuters February 23 that "putting off the project is not enough. The whole project should be canceled."

¶5. (SBU) The subject of controversy is the museum's planned location, adjacent to Independence Park and across the street from the Consulate General. Though the historic presence of a Muslim cemetery on this land is undisputed, according to an SWC statement, the land was granted to the SWC by the GOI and the City of Jerusalem, and had been legally designated as "public open space." Moreover, the SWC maintains that it undertook an extensive five-year "public planning process" in which announcements were placed in both Hebrew- and Arabic-language newspapers, and public hearings were held by the Jerusalem City Council. The SWC asserts that no person or organization objected during this period.

¶6. (SBU) The site, at one time the largest Muslim cemetery in Jerusalem, reportedly houses the graves of some of the most important Palestinian families, such as the Husseini, Nusseibeh, Dajani, and Abu-Saud families. Certain graves are reported to date back to the seventh century, and the area, now known as Mamilla, was referred to by historian Mujir Al-Din in 1495 as "the lower heaven." (Note: The Mamilla cemetery is bordered by a smaller, functioning cemetery known as "Old Mamilla." End note.) The plaintiffs claim the site was owned by the Muslim Waqf and confiscated by Israel in ¶1948. They also assert that associates of the prophet Mohammed, as well as thousands of Muslims killed during the crusades, are buried there.

¶7. (SBU) While some media accounts claim the cemetery was in use up until 1948, the SWC asserts that various British Mandate-era Muftis and the "High Muslim Council" declared the cemetery abandoned as early as 1929 and cite a 1964 ruling by the Muslim Court of Appeals declaring the sanctity of the cemetery had ceased to exist. They point to another 1964 citation, reportedly issued by the Muslim Waqf in Jerusalem, the stated that the cemetery was so old it was no longer sacred. Muslim religious authorities argue that the document was issued by corrupt clergy and "Waqf trustees" and only after the land had already been desecrated.

¶8. (SBU) Construction supervisor Ichu Gor of Moriah Development Company told ConGenoff the site has been disturbed many times in the past for the construction of parks, roads and sewers as well as the parking lot currently being excavated. These developments, according to media reports, generated controversy and conflict as early as the 1930s. According to former Jerusalem Deputy Mayor Meron Benvenisti, Muslim Waqf authorities also protested the desecration of graves on the site during the 70s and 80s. In its official statement, the SWC debates these claims and asserts that the site has consisted of two parking lots for the past thirty years -- one underground and one open and paved bordering the Old Mamilla cemetery. According to SWC, hundreds of cars parked in these lots every day and there were never any objections. Current protests stem from a February 7 article in the Israeli daily Ha'aretz detailing the unearthing of skeletal remains in the early stages of construction. According to media reports, excavation efforts have already unearthed more than 250 graves.

¶9. (SBU) Some Members of the Israeli Knesset have protested the planned project. According to a February 16 article in the Israeli daily Jerusalem Post, MK Reuven Rivlin asked, "Why, for God's sake, does a house of tolerance need to be built on a Muslim cemetery?" The museum, according to its mission statement, hopes to "promote civility and respect among Jews, and between people of all faiths and creeds." The SWC issued a statement February 21 addressing the controversy, and laying out the three options it had

presented the Court that would allow the construction of the museum to continue, including the re-interment of the ancient bones to a Muslim cemetery, the erection of a monument to those whose remains had been removed, and the cleaning up and restoring of the adjacent Old Mamilla cemetery at SWC expense.

Media Reports Question Project

¶10. (U) As interested parties await the outcome of the mediation efforts, media commentary is, for the most part, in agreement that the continuation of the project is a bad idea.

Regardless of the court decision urging mediation between the parties, both international and local media acknowledge that the furor already generated (and likely to continue) by constructing a "museum of tolerance" on top of a disputed Muslim cemetery is contradictory to the overall goals of the project.

WALLES